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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,114	02/17/2004	Steven W. Dow	021819-000130US	8036

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/03/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

The reply filed on 3/6/08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment filed on 3/6/08 canceling or amending all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the applicant elected without traverse the species of "a nucleic acid vector without a gene insert" for examination and the instant claims as amended are drawn to eukaryotic nucleic acids comprising salmon sperm and/or calf thymus DNA. Neither salmon sperm nor calf thymus DNA are a nucleic acid vector without a gene insert, as both are total chromosomal DNA. It is further noted that the claims as originally presented did not encompass either salmon sperm nor calf thymus DNA as the original claims subject to an election of species were drawn to isolated nucleic acids that do not express a peptide or protein, isolated nucleic acid vector without a gene insert, or noncoding nucleic acids. Salmon sperm and calf thymus DNA include coding sequences and are capable of expressing peptides or proteins as the genomic DNA of either salmon sperm or calf thymus DNA includes numerous genes operatively linked to their native transcriptional regulatory sequences. As such, the instant claims do not correspond to either the elected species or the previously presented generic claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in

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order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Joseph Woitach, can be reached at (571) 272-0739. For all official communications, **the new technology center fax number is (571) 273-8300**. Please note that all official communications and responses sent by fax must be directed to the technology center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197.

Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

/Anne Marie S. Wehbé/

Primary Examiner, A.U. 1633